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### **REMARKS**

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and includes arguments regarding the newly added claims and why they are allowable over the cited art. Accordingly, this response is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

Applicants assert that the present invention is new, non-obvious and useful. Prompt consideration and allowance of the claims is respectfully requested.

### **Status of Claims**

Claims 1-20 are pending in the application. Claims 1 - 20 have been rejected. Claims 1 - 9, and 11 - 20 have been amended. Claims 21 - 32 have been added.

Claims 2-8 and 12-18 have been voluntarily amended for the sake of clarity. This amendment does not narrow the scope of the claim, nor is it being made for reasons of patentability. The amended claim is not subject to the complete bar against the use of the Doctrine of Equivalents as outlined in *Festo Corporation v. Shoketsu Kinsoku Kogyo Kapushiki Co., Ltd. a/ka/ SMC Corporation and SMt Pneumatics, Inc.*, as the amendment does not narrow the scope of the claim, nor is it being made for reasons of patentability.

Applicants respectfully assert that the amendments to the claims and specification add no new matter.

### **CLAIM REJECTIONS**

#### **35 U.S.C. § 112 Rejections**

In the Office Action, the Examiner rejected claim 9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claim 9 has been amended so as to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

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Claims 5 and 9 have been rejected for not having sufficient antecedent basis for specific limitations. Formerly filed Claim 5 has recited the limitation "said storage unit" in claim 4, which allegedly does not have sufficient antecedent basis for this limitation in the claim. Formerly filed Claim 9 has recited the limitation "the buffer unit" in claim 1, which allegedly does not have sufficient antecedent basis for this limitation in the claim. Claims 5 and 9 have been amended to overcome the antecedent basis deficiencies noted by the Examiner. It is respectfully asserted that the foregoing amendment merely addresses matters of form and does not change the literal scope of the claim in any way or result in any prosecution history estoppel.

Applicants respectfully assert that these amendments render claims 5 and 9 proper under 35 USC 112 and request that the rejections be withdrawn.

### **35 U.S.C. § 102 Rejections**

In the Office Action, the Examiner rejected claims 1 - 20 under 35 U.S.C. § 102(e), as being anticipated by US patent no. 6,721,780 to Kasriel (the '780 patent). Applicants respectfully traverse this rejection in view of the remarks that follow.

Generally, the '780 patent teaches a system and a method for enhancing perceived throughput between a client and a server, using a predictive unit 210 having a request processor 230, which is adapted to analyze client's requests. Figure 2 and column 4, lines 55 to column 6, line 60 teach how the predictive unit 210 analyzes the web client requests 211 in order to create pre-download messages that are sent back to the client. Furthermore, figure 4 and column 7 lines 41 to 64 teach a method for analyzing the client's requests 211.

The '780 patent does not teach analyzing of a first response from a web server.

Furthermore, in the '780 patent's system the predictive unit, after analyzing the client's request, determines whether to send a 'hint' (i.e. a message) to the client or not. The client upon receiving the hints from the predictive units, pre-downloads network objects from the web server, which are indicated in the hints, prior to receiving a request from the user. As it is disclosed in column 4 lines 24-28 and Figure 4 and column 7 line 57 to column 8, line 6.

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The '780 patent does not teach or suggest how the predictive unit sends predictive requests to a web server. In the '780 patent system, the predictive unit sends hints to the client and the client sends predictive requests to the web sever.

Thus, the system and method of the '780 patent differ from the system and method of the present application both in topology and in methodology. Inter alia, Requests are sent in the '780 patent differently from the way they are sent in the present invention, prediction is done in the '780 patent based on the analysis of entities other than those used for analysis in the present invention and usage of unused time slots of the request – respond cycle in the communication between a client and a server in the '780 patent is done differently from the way it is done in the present invention.

As to Claim 1, as amended, the '780 patent does not teach or suggest all the elements of the claim. The '780 patent teaches interception of the responses from the server as it is recited in column 4 lines 20-22: "The pre-download device 140 **intercepts** requests for network objects from the Web client 110, and responses from the Web server 130." The '780 patent teaches how to analyze the user's request from the server. As it is disclosed in Figure 2 and column 4 lines 55 to column 6 line 60 the '780 patent teaches how the predictive unit 210 analyzes the **web client requests 211** in order to create pre-download messages that are sent back to the client. Furthermore, figure 4 and column 7 lines 41 to 64 of the '780 patent teach a method for analyzing **the client's requests 211**. The '780 patent does not teach or suggest, inter alia, "a predictive unit adapted to receive a first response from the server and to generate a predictive request based on information contained within the first response, wherein the predictive request is sent directly to the server" as recited in amended independent Claim 1. For a reference to anticipate a claim, the reference must teach all elements of the claim. Therefore, the '780 patent cannot anticipate claim 1 as amended. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claim 1.

As to dependent claims 2 - 10 and 21 they depend, directly or indirectly, from independent claim 1 and therefore include all its limitations and therefore are similarly allowable. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claims 2-10.

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As to independent Claim 11, as amended, the arguments made above with respect to Claim 1 are applicable also here. Therefore, Claim 11 is not anticipated by the '780 patent. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claim 11.

As to Claims 12 - 20 they depend, directly or indirectly, from independent Claim 11 and therefore include all its limitations and therefore are similarly allowable.

As to independent Claim 22, the arguments made above with respect to Claim 1 are applicable also here. Therefore, Claim 22 is not anticipated by the '780 patent. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claim 22.

As to Claims 23 - 27 they depend, directly or indirectly, from independent Claim 22 and therefore include all its limitations and therefore are similarly allowable. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claims 23-27.

As to independent Claim 28, the arguments made above with respect to Claim 1 are applicable also here. Therefore, Claim 28 is not anticipated by the '780 patent. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claim 28.

As to Claims 29 - 32 they depend, directly or indirectly, from independent Claim 28 and therefore include all its limitations and therefore are similarly allowable. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claims 29 - 32.

Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1-20. Accordingly, the Examiner is respectfully requested to withdraw the rejection of Claims 12-20 and to consider newly added claims 21 - 32 allowable over the cited art.

Applicants note that none of the amendments to the claims herein are in response to the above discussed prior art rejections.

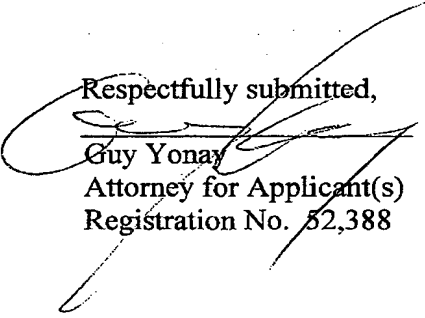
In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

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